

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

OPENAI, INC.,
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This Document Relates To:

ZIFF DAVIS, INC. et al v. OPENAI, INC. et al.,
No. 1:25-cv-04315

1:25-md-03143 (SHS) (OTW)

NOTICE OF MOTION

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that upon the annexed Declaration of Andrew M. Gass, dated July 30, 2025, and the accompanying Memorandum of Law, the undersigned hereby moves this Court on behalf of OpenAI, Inc., OpenAI GP, LLC, OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation, and OpenAI Holdings, LLC (collectively, “Defendants”), by and through counsel, before the Honorable Sidney H. Stein, United States District Judge for the United States District Court for the Southern District of New York, 500 Pearl Street, Courtroom 23A, New York, New York 10007-1312, for an order (1) dismissing Count VI of Plaintiffs Ziff Davis, Inc., Ziff Davis, LLC, IGN Entertainment, Inc., Everyday Health Media, LLC, Mashable, Inc., and CNET Media, Inc.’s First Amended Complaint (the “Ziff Davis First Amended Complaint”) pursuant to Fed. R. Civ. P. 12(b)(1) for lack of standing, and (2) dismissing Counts III, IV, V, and VIII of the Ziff Davis First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted.

Dated: July 30, 2025

/s/ Andrew M. Gass

LATHAM & WATKINS LLP

Andrew M. Gass (*pro hac vice*)

andrew.gass@lw.com

San Francisco, CA 94111

Telephone: 415.391.0600

Sarang V. Damle

sy.damle@lw.com

Luke A. Budiardjo

luke.budiardjo@lw.com

1271 Avenue of the Americas

New York, NY 10020

Telephone: 212.906.1200

Elana Nightingale Dawson (*pro hac vice*)

elana.nightingaledawson@lw.com

555 Eleventh Street, NW, Suite 1000

Washington, D.C. 20004

Telephone: 202.637.2200

/s/ Joseph C. Gratz

MORRISON & FOERSTER LLP

Joseph C. Gratz (*pro hac vice*)*

jgratz@mofo.com

Tiffany Cheung (*pro hac vice*)

tcheung@mofo.com

425 Market Street

San Francisco, CA 94105

Telephone: 415.268.7000

Rose S. Lee (*pro hac vice*)

roselee@mofo.com

707 Wilshire Boulevard, Suite 6000

Los Angeles, CA 90017

Telephone: 213.892.5200

Carolyn M. Homer (*pro hac vice*)

cmhomer@mofo.com

2100 L Street, NW, Suite 900

Washington, DC 20037

Telephone: 202.650.4597

/s/ R. James Slaughter

KEKER, VAN NEST & PETERS LLP

Robert A. Van Nest (*pro hac vice*)

rvannest@keker.com

R. James Slaughter (*pro hac vice*)*

rslaughter@keker.com

Paven Malhotra

pmalhotra@keker.com

Michelle S. Ybarra (*pro hac vice*)

mybarra@keker.com

633 Battery St.

San Francisco, CA 94111

Telephone: 415.391.5400

Attorneys for OpenAI

* All parties whose electronic signatures are included herein have consented to the filing of this document, as contemplated by Rule 8.5(b) of the Court's ECF Rules and Instructions.